

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C) .No. 16800 of 2007(Y)

PETITIONER:

1. P.K.MOHAMMED AYOOB,
KARIMBANAKKAL HOUSE, AKKODU P.O. VAZHAKKAD,
MALAPPURAM DISTRICT.
2. SADIA B. W/O.AYOOD,
KARIMBANAKKAL HOUSE, AKKODU PO VAZHAKKAD,
MALAPPURAM DT.
3. ABDUL KHADER,
KARIMBANAKKAL HOUSE,
AKKODU P.O. VAZHAKKAD, MALAPPURAM DT.

BY ADV. SRI.P.M.POULOSE

RESPONDENTS:

1. ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM.
2. SUPERINTENDENT OF POLICE,
MALAPPURAM DISTRICT.
3. CIRCLE INSPECTOR OF POLICE,
KONDOTTY, MALAPPURAM.
4. SUB INSPECTOR OF POLICE,
VAZHAKKADU, MALAPPURAM DT.
5. STATE OF KERALA REPRESENTED BY
SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.
6. SRI.P.K.MOHAMMED, S/O.KHADERKUTTY HAJI,
KARIMBANAKKAL HOUSE, AKKODU P.O. VAZHAKKAD,
MALAPPURAM DT.
7. DISTRICT COLLECTOR,
MALAPPURAM.

BY ADV. SRI.M.SASINDRAN
G.P. SHRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C) .No. 16800/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE FIR NO.189/06.

P2. COPY OF THE JUDGMENT IN.W.P.C.NO.5811/07.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.16800 of 2007

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Dated this the 6th day of August, 2007

J U D G M E N T

The petitioners are aggrieved by the proceedings before the 1st respondent for issue of gun licence to the 6th respondent. The contention of the petitioners is that the 6th respondent is a mentally sick person who is an accused in several criminal cases involving very serious offences as evidenced by Ext.P1. The petitioners, therefore, seek the following relief:

- “ii) to issue a writ of mandamus or any other appropriate writ, order or direction to the first respondent to take into consideration the petition submitted by the petitioners before him dated 12-5-2007 before taking a decision as to the renewal of the licence No.720/ERD.”

2. The 6th respondent has filed a counter affidavit denying all the allegations in the writ petition. He would submit that the writ petition is purely an act of vengeance pursuant to some property dispute between the petitioners and himself.

3. I have heard the learned counsel for the petitioners, the learned Government Pleader and the learned counsel appearing for the 6th respondent.

4. I find that this court in W.P(C).No.5811/2007 filed by the 6th respondent has passed the following judgment:

"2. Petitioner has applied for renewal of gun licence. That application was held back because of certain proceedings initiated before this Court by his close relatives seeking certain directions in relation to a complaint for certain offences punishable under Sections 498A, 506(ii) etc. of the IPC. By judgment in WP(C).No.12779/2006, this Court noticed that the case was referred and nothing survives. Now, it is for the competent among the respondents to take up the request of the petitioner for renewal of licence and take a decision thereon in accordance with law and untrammelled by anything stated in this judgment. Let that be done within two months from the date of receipt of a copy of this judgment."

Therefore, the competent person is duty bound to pass orders on the application filed by the 6th respondent as directed in Ext.P2 judgment. That being so, all what can be done in this writ petition is to direct the competent person dealing with the matter to hear the petitioners also before disposing of the application filed by the 6th respondent as per Ext.P2 judgment. There would be a direction to that effect.

The writ petition is disposed of as above.

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Sd/-
S.SIRI JAGAN, JUDGE

